

**GREENSBORO ADVISORY COMMISSION ON TREES
REGULAR MEETING
MAY 5, 2010**

The regular meeting of the Greensboro Advisory Commission on Trees was held on Wednesday, May 5, 2010 at 3:10 p.m. in the Council Chambers, 2nd floor, Melvin Municipal Office Building, Greensboro, North Carolina. Members present were: Chair Tim Knowles, Michael Hatcher, Bret Robertson, Marguerite Suggs, Brad Deaton, and Frank Forde. Also in attendance was Mike Cusimano, Greensboro Urban Forester; and Jim Clark, City Attorney's Office.

ACKNOWLEDGEMENT OF ABSENCES:

Mr. Cusimano stated that the absences of Mr. Truby, Dr. Snowden, and Ms. Stover were approved.

APPROVAL OF APRIL 7, 2010 MINUTES:

Mr. Hatcher moved to approve the minutes of the April 7, 2010 meeting as written, seconded by Mr. Forde. The Commission voted unanimously in favor of the motion.

DISCUSSION ON QUASI-JUDICIAL PROCESS:

The Commission continued their discussion on the quasi-judicial process and asked questions pertaining to process and procedure.

Chair Knowles described a hypothetical situation and asked if it falls upon the Commission to make the determination when nobody takes responsibility for a specific action. Counsel Clark replied that the Commission's job is to look at the Code Enforcement Officer's actions and make sure there is a factual or legal basis to uphold the action. He went into greater detail and discussed sufficient, credible evidence necessary to make a determination, dealing with rebuttal evidence, and the granting of authority by an owner to an agent to act on his behalf.

Ms. Suggs inquired about the number of parties involved in a hearing and their representation. Counsel Clark described the organization of a hearing. He stated that the question presented to the Commission deals with upholding or overturning the actions of the Code Enforcement Officer based on whether or not the actions were justified. Mr. Cusimano added that a third option is available whereby the Code Enforcement Officer's decision can be modified.

In response to questions to Mr. Cusimano and Counsel Clark regarding the Tree Preservation Ordinance and procedure, the Group discussed the issuance of a Notice of Violation to more than one party, recovery of fines, encroachment, and making motions and findings of fact for each violation and each party.

Counsel Clark stated that his role is to insure that members understand substantive law and procedure; however, the script for due process is made available for a specific reason. If the script is followed and carefully applied, the decisions made by the Commission will be lawful and upheld in a court of law. Counsel Clark reviewed the script with Commissioners. Topics of discussion included the process to swear-in individuals en masse per case, stating the City's case, stating the appellant's case, raising an objection to evidence, hearsay, cross-examination, making a proper motion, and passing a motion with a super-majority.

Ms. Suggs asked Counsel to review the four questions that Commissioners are to assess. The questions are as follows: (1) what is the violation, (2) are there facts that show the violations occurred, (3) what facts show who is responsible for the violation, and (4) was notice given properly?

OTHER BUSINESS:

Chair Knowles asked for an update on Tree Campus USA. Mr. Cusimano stated that both UNC at Greensboro and High Point College were awarded Tree Campus USA status. He will draft a letter for the Commission to send to congratulate the colleges on their achievement.

ADJOURN:

Mr. Forde moved to adjourn the meeting, seconded by Mr. Hatcher. The Commission voted unanimously in favor of the motion.

There being no further discussions before the Commission, the meeting ended at 5:15 p.m.

Respectfully submitted,

Tim Knowles, Chairman
Advisory Commission on Trees

TK/sm:jd